

## Appendix

(clause 51)

*Environmental Planning and Assessment Regulation 2000* (clause 25E)

### Explanatory Note

#### Draft Planning Agreement

Under s93F of the Environmental Planning and Assessment Act 1979

##### Parties

**University of Western Sydney ABN 53 014 069 881**

of Hawkesbury Campus, Building R1, Richmond NSW 2753 (**UWS**)

**Landcom (t/a UrbanGrowth NSW) ABN 79 268 260 688**

of Level 14, 60 Station Street, Parramatta NSW 2150 (**Landcom**)

**Campbelltown City Council ABN 31 459 914 087** of Civic Centre, Cnr Queen and Broughton Sts, Campbelltown NSW 2560 (**Council**)

#### Description of the Land to which the Draft Planning Agreement Applies

Lot 4 DP 247902 owned by the University of Western Sydney.

Lot 63 DP 1104486 owned by University of Western Sydney

The part of Lot 64 DP 1104486 that forms Goldsmith Avenue owned by Landcom

Lot 7 DP 253700 owned by Landcom

#### Description of Proposed Development

The development on the Land is to be carried out in stages generally as shown in the Development Area Plan.

#### Summary of Objectives, Nature and Effect of the Draft Planning Agreement

##### Objectives of Draft Planning Agreement

The objective of the Draft Planning Agreement is to provide funding for and construction of infrastructure and facilities to meet the Development, and dedication of land.

##### Nature of Draft Planning Agreement

The Draft Planning Agreement is a planning agreement under s93F of the *Environmental Planning and Assessment Act 1979* (Act). It is a voluntary agreement, under which the Developer makes Development Contributions (as defined in clause 1.1 of the Draft Planning Agreement) for various public purposes (as defined in s93F(3) of the Act).



## **Effect of the Draft Planning Agreement**

The Draft Planning Agreement:

- relates to the carrying out by the Developer of the Development,
- excludes the application of s 94 and s 94A of the Act to the Development,
- does not exclude the application of s 94EF of the Act to the Development,
- requires dedication of land, carrying out of Works and payment of monetary development contributions in certain circumstances,
- is not to be registered on the title to the Land,
- imposes restrictions on the Developer transferring the Land or part of the Land or assigning an interest under the Agreement,
- provides a dispute resolution method for a dispute under the agreement, being mediation and expert determination,
- provides that the agreement is governed by the law of New South Wales, and
- provides that the A New Tax System (Goods and Services Tax) Act 1999 (Cth) applies to the agreement.

## **Assessment of the Merits of the Draft Planning Agreement**

### **The Planning Purposes Served by the Draft Planning Agreement**

The Draft Planning Agreement:

- promotes and co-ordinates the orderly and economic use and development of the Land to which the Agreement applies,
- provides land for public purposes in connection with the Development,
- provides and co-ordinates community services and facilities in connection with the Development, and
- provides increased opportunity for public involvement and participation in environmental planning and assessment of the Development.

### **How the Draft Planning Agreement Promotes the Public Interest**

The Draft Planning Agreement promotes the public interest by promoting the objects of the Act as set out in a ss 5(a)(ii)-(v) and 5(c) of the Act.

### **For Planning Authorities:**

#### **Development Corporations - How the Draft Planning Agreement Promotes its Statutory Responsibilities**

N/A

#### **Other Public Authorities – How the Draft Planning Agreement Promotes the Objects (if any) of the Act under which it is Constituted**



N/A

**Councils – How the Draft Planning Agreement Promotes the Elements of the Council’s Charter**

The Draft Planning Agreement promotes the elements of the Council’s charter by:

- providing services and facilities for the community,
- ensuring that the public facilities provided by the Developer under the agreement are transferred to and managed by the Council or are otherwise subject to the Council’s control,
- providing a means that allows the wider community to make submissions to the Council in relation to the agreement.

**All Planning Authorities – Whether the Draft Planning Agreement Conforms with the Authority’s Capital Works Program**

The Draft Planning Agreement conforms with Council’s Capital Works Program through the provision of essential infrastructure such as the road works, passive recreation and play areas; active recreation, regional cycleway, traffic facilities and drainage as listed in Schedule 3.

**All Planning Authorities - Whether the Draft Planning Agreement specifies that certain requirements must be complied with before issuing a construction certificate, subdivision certificate or occupation certificate**

This Draft Planning agreement contains requirements that must be complied with, namely the carrying out of Work and payment of monetary Development Contributions, before Subdivision Certificates may be issued.